

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAROLD R. MARQUETTE,
Petitioner,

No. C 08-1690 MHP (pr)

ORDER OF TRANSFER

v.

JEFF E. GORDER,
Respondent.

Harold R. Marquette has filed a petition for writ of habeas corpus to challenge his conviction and sentence from the Shasta County Superior Court. Shasta County lies within the venue of the Eastern District of California. Marquette is currently incarcerated at the California State Prison in Vacaville, which is in Solano County and also within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, a petition challenging a conviction is preferably heard in the district of conviction. Habeas L.R. 2254-3(b). Because the conviction occurred in the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interest of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter forthwith.

IT IS SO ORDERED.

DATED: September 23, 2008


Marilyn Hall Patel
United States District Judge